

Notice of Allowability

Application No.

09/904,038

Applicant(s)

MACDONALD ET AL.

Examiner

Art Unit

Winnie Yip

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to applicant's amendment filed March 19, 2004.
2. The allowed claim(s) is/are 1-12, 14-34, 36 and 37.
3. The drawings filed on 31 December 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



Winnie Yip
Primary Examiner
Art Unit: 3637

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Wiles/Ms. Cecilia Jaifle on August 4, 2004.

The application has been amended as follows:

In claim 1:

Line 15, change "a portion" to --some--.

line 17, after "second block" insert --in the same course--.

Line 18, delete "when".

Line 19, before "forms" insert --also--.

In claim 8:

Line 1, change "6" to --7--.

In claim 14:

Line 11, change "a portion" to --some--.

Line 14, before "when" insert --in the same course--.

Line 15, delete "when", and after "face" insert --also--.

In claim 16:

Line 25, before "first" change "a" to -- one --.

Line 26, change “a first or second block” to --another first or second block in the same course--. And, before “forms” insert --of the first or second block--.

Line 27, change “when second face” to --the second face of the other first or second block also--.

In claim 29:

Lines 11 -12, change “the first and second blocks” to --the second blocks--.

Line 20, after “a plurality of the” insert --other--.

Line 21, before “first or second block” change “a” to --one--.

Line 22, change “a first or second block” to --another first or second block in the same course”, and before “forms” insert --of the first or second block--.

Line 23, change “when second face” to --the second face of the other first or second block also--.

In claim 33:

Line 3, change “a plurality of blocks” to ---a plurality of the blocks--.

Line 10, before “align” insert --in the same course--.

Line 11, change “when” to --the--. And, after “second block” insert --also--.

Line 13, after “aperture;”, insert --and--.

Line 15, change “a block” to -- one block of the first lower course--.

In claim 34:

Line 15, change “when constructing the wall” to --in at least the first lower course and the second upper course--.

Line 16, change “a block” to --one block--. And, change “a pin” to --the pin--.

In claim 36:

Line 15, change “a portion” to -- some --.

Line 18, before “align” insert --in the same course--.

Line 19, before “forms” insert --also--.

Line 21, before “front”, change “a” to --the--.

Line 22, before “front”, change “a” to --the --.

In claim 37:

Line 2, change “comprising” to -- the method comprising steps of--.

line 3, change “a wall block” to --a plurality of wall blocks, each block--.

between lines 11 and 12, insert a new line: --placing the blocks in at least a first lower course and a second upper course; --

Line 17, change “a portion” to --some--.

Line 19, before “align” insert --in the same course--.

Line 20, change “when” to -- the--.

Line 21, before “forms” insert --also--.

Allowable Subject Matter

Claims 1-12, 14-34, and 37 are allowed.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
August 4, 2004